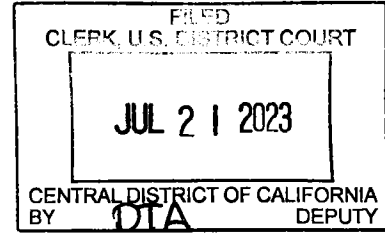


1 Feliz Diaz
2 9315 Lincoln Blvd., Apt. 3216
3 Los Angeles, CA 90045
4 (213) 369-9377
5 **Defendant, In Pro Per**



7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

10 EQUITY RESIDENTIAL MANAGEMENT,)
11 L.L.C.,)
12 Plaintiff,)
13 vs.)
14 BRANDEN PEREZ, FELIZ DIAZ; AND)
15 DOES 1 THROUGH 10, INCLUSIVE,)
16 Defendant.)
17)
18)

Case No. **2:23cv05917-MCS (Ex)**

NOTICE OF REMOVAL

20 **TO THE CLERK OF THE ABOVE-TITLED COURT AND THE HONORABLE UNITED**
21 **STATES DISTRICT JUDGE:**

22 PLEASE TAKE NOTICE that Defendant Feliz Diaz ("Defendant") hereby remove to this
23 Court the above-captioned action described further below:

25 **1. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED.**

26 On April 17, 2023, EQUITY RESIDENTIAL MANAGEMENT, L.L.C. ("Plaintiff") filed an
27 unlawful detainer action in the Superior Court of California, County of Los Angeles, EQUITY
28 RESIDENTIAL MANAGEMENT, L.L.C. v BRANDEN PEREZ, FELIZ DIAZ; AND DOES 1
THROUGH 10, INCLUSIVE Case No. 23IWUD00798. Defendant's Answer to the complaint for

1 unlawful detainer was based on a defective Notice to Quit. A true and correct copy of the relevant
2 pleadings, i.e., summons, complaint, Answer, etc are attached hereto as **Exhibit "A"**.

- 3 2. This removal is therefore timely because it is not barred by the provisions of 28 U.S.C. §
4 1446(b).
- 5 3. No previous request has been made for the relief requested.
- 6 4. The Superior Court of California for the County of Los Angeles is located within the Central
7 District of California. Sec 28 U.S.C. § 84(c)(1). Thus, venue is proper in this Court because
8 it is the "district and divisions embracing the place where such action is pending." 28 U.S.C.
9 § 1441(a).
- 10 5. This Action is removable to the instant Court because it originally could have been filed in
11 this Court pursuant to 28 U.S.C. § 1441(a) and/or (b). The complaint presents federal
12 questions. Supplemental jurisdiction exists with respect to any remaining claims pursuant to
13 28 U.S.C. § 1367.

14 **II. FEDERAL QUESTION: REMOVAL IS PROPER BECAUSE THIS COURT HAS**
15 **SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. §1331 and §1441.**

- 16 6. The complaint for Unlawful Detainer is subject to strict notice requirements.
- 17 7. Defendant filed his Demurrer to the complaint based on a defective notice, i.e., the Notice to
18 Pay or Quit, failed to comply with The Protecting Tenants Moratorium Act [1179.10(b)].
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1 8. Federal question exists because Defendant's Answer, a pleading that depends on the
2 determination of Defendant's rights and Plaintiff's duties under federal law. Wherefore, Feliz
3 Diaz respectfully remove this action from the California Superior Court for the Los Angeles,
4 this Court pursuant to 28 United States Code Sections 1331 and 1441.

5
6 Respectfully submitted,

7
8 **Dated:** 07/21/2023

9
10 **By:** 

11
12 Feliz Diaz

13
14 **Defendant, In Pro Per**
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8 **EXHIBIT “A”**
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SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESALOJO)

SUM-130

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

NOTICE TO DEFENDANT: BRANDEN PEREZ, FELIZ DIAZ; and
(AVISO AL DEMANDADO): Docs 1 through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF: EQUITY RESIDENTIAL
(LO ESTÁ DEMANDANDO EL DEMANDANTE): MANAGEMENT, L.L.C.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Electronically FILED by
Superior Court of California,
County of Los Angeles
4/17/2023 10:49 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By S. Venzant, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

(AVISO!) Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier cantidad de \$10,000 ó más recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

Inglewood Superior Court, One Regent Street, Inglewood 90301

CASE NUMBER (número de caso):

231WUD00798

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Richard Daggenghurst, Esq., Felman, Daggenghurst, Toporoff & Spinrad
13743 Ventura Blvd., Suite 350, Sherman Oaks, CA 91423, tel: (818) 728-7920

PLAINTIFF (Name): EQUITY RESIDENTIAL MANAGEMENT, L.L.C.	SUM-130
DEFENDANT (Name): BRANDEN PEREZ, FELIZ DIAZ	CASE NUMBER 23IWUD00798

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)

4. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:

d. County of registration:

e. Registration no.:

f. Registration expires on (date):

Date:
(Fecha) 04/17/2023

David W. Slayton, Executive Officer/Clerk of Court
 Clerk, by S. Venzant Deputy
 (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
 (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)



5. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☒ as an occupant.
- d. ☐ on behalf of (specify):
 under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor).
☐ CCP 416.20 (defunct corporation). ☐ CCP 416.70 (conservatee).
☐ CCP 416.40 (association or partnership). ☐ CCP 416.90 (authorized person).
☒ CCP 415.46 (occupant). ☐ other (specify):
- e. ☐ by personal delivery on (date):

**NOTICE TO PAY RENT OR QUIT
(STATE OF CALIFORNIA)**

TO: **Branden Perez
Feliz Diaz**
and ALL OTHERS IN POSSESSION (together, "YOU") of the two bedroom unit located at:
9315 LINCOLN BLVD. 3216 Los Angeles, CA 90045 (the "Premises").

WITHIN 3 (THREE) DAYS after the service on you of this Notice, excluding Saturdays, Sundays, and other judicial holidays, you are hereby required to make payment PAYABLE to:

Equity Residential Management, L.L.C., as Agent for the Owner of Park West (Owner/Agent), the rent for the premises amounting to \$2563 due for February 2023.

OR QUIT AND DELIVER THE POSSESSION OF THE PREMISES, which includes any garage or storage space.

If you fail to perform or otherwise comply, Owner/Agent declares the forfeiture of your Rental Agreement/Lease and will institute legal proceedings to obtain possession. Such proceedings could result in a judgment against you, which may include attorneys' fees and court costs as allowed by law. This Notice to Pay Rent or Quit supersedes all previous Notices to Pay Rent or Quit, if any.

Payment must be made to Owner/Agent at the following address:

Park West
9400 La Tijera
Los Angeles, CA 90045
(310) 568-9400
Steve Conner

Payment must be made by cashier's check or money order to Owner/Agent during the times listed below for the following days of the week: 10am-6pm Tuesday-Friday, 10am-5pm Saturday, Closed - Monday, Sunday

This Notice does NOT demand rent or other payments owed prior to February 1, 2023, if any, and Lessor reserves the right to pursue any such amounts separately as allowed by law.

Date: 2/16/2023

EQUITY RESIDENTIAL MANAGEMENT, L.L.C., as Agent for the Owner of
Park West

By: _____

Shawny Hunter

**ATTACHED: NOTICE TO TENANT—FEDERAL DEBT COLLECTION DISCLOSURE
NOTHING CONTAINED HEREIN OR OMITTED HEREFROM IS A WAIVER OF ANY OF
OWNER'S RIGHTS AND ALL SUCH RIGHTS ARE EXPRESSLY RESERVED.**

cc: Los Angeles Housing Department Eviction Notice Section
1200 W 7th St, 8th Floor
Los Angeles, CA 90017

FELMAN DAGGENHURST TOPOROFF & SPINRAD

Richard Daggenhurst SBN 226572

Adam Toporoff 298115

Scott Spinrad 198924

Brandon Dimond 266876

Rachel Enders Clark 341105

13743 Ventura Blvd., Ste 350,

Sherman Oaks, California 91423

Tel: 818-728-7920

Fax: 818-728-7929

Attorneys for Plaintiff EQUITY RESIDENTIAL MANAGEMENT, L.L.C.

Electronically FILED by
Superior Court of California,
County of Los Angeles
4/17/2023 10:49 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By S. Venzant, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, SOUTHWEST DISTRICT**

EQUITY RESIDENTIAL MANAGEMENT,
L.L.C.,

Plaintiff(s),

vs.

BRANDEN PEREZ, FELIZ DIAZ; and DOES 1
through 10, inclusive.

Defendant(s).

) LIMITED CIVIL CASE

) Case No.: 23IWUD00798

) COMPLAINT FOR:

) (UNLAWFUL DETAINER)

) (amount sought less than \$10,000)

Plaintiff is informed and believes and therefore alleges:

1. Plaintiff is the lessor as agent for the owner of the real property involved herein, which is a residential property located at 9315 LINCOLN BLVD APT 3216, LOS ANGELES, CA 90045 (the "Premises") and which is situated within the above-captioned judicial district and county. Plaintiff is a duly formed California LLC.
2. On or before 10/11/2020 by written lease, the subject Premises in Paragraph 1 was rented on a fixed term tenancy by Defendant(s). The current monthly rent is \$2,563.00 payable in advance on the first of each month.

COMPLAINT FOR UNLAWFUL DETAINER

- 1 -

3. Defendant(s) continued to occupy said Premises pursuant to the obligations of said agreement. A copy of that lease agreement is not attached hereto, as this lawsuit is an action for unpaid rent; Plaintiff does not have to attach the lease.
4. In violation of the terms of the lease agreement, a delinquency of \$2,563.00 became due and payable for the period through Feb 28, 2023 and no part of said sum has been paid, and the entire amount thereof remains due, owing, and unpaid.
5. That on or about 02/16/2023 Plaintiff served notice (the "Notice") in writing on said Defendant(s) requiring the payment of the said unpaid rental sum then due amounting to \$2,563.00 or for the possession of said Premises, all within 3 (court) days from service of said Notice. A true and correct copy of said Notice and of its proof of service are attached hereto collectively as Exhibit '1' and are incorporated herein by this reference.
6. The Defendant(s) have failed to pay the rent requested within the period specified by the Notice, and Plaintiff has not been restored to possession of said Premises although more than 3 (court) days have expired since service of said Notice.
7. The reasonable value for the use and occupancy of the subject Premises is at least \$85.43 per day, and Plaintiff seeks such sum as damages for the period following the expiration of the Notice until the date of judgment herein.
8. Plaintiff(s) is entitled to immediate possession of the subject Premises.
9. Plaintiff(s) herein requests an award of reasonable attorney's fees pursuant to the provisions of said lease, subject to any limitations or caps in the Lease on any such fees.

1 10. Plaintiff has complied with all material and pertinent terms of any State, County, or
2 municipal laws regarding the Premises.

3 11. Plaintiff is uncertain of the true names and capacities of defendants sued herein as
4 DOES 1 through 10, inclusive. Plaintiff will seek leave to amend the complaint to
5 show their true names and capacities when ascertained. Plaintiff is informed and
6 believes and therefore alleges that each of the fictitiously named defendants claims
7 a right to possession of said Premises.
8

9 WHEREFORE, Plaintiff prays for judgment as follows:
10

- 11 1. For restitution and possession of the subject Premises.
- 12 2. For \$2,563.00 which represents unpaid rental or the use and occupation of the
13 subject Premises for the period of time specified in EXHIBIT "1" hereto, and for
14 the further sum of \$85.43 per day for damages for the use and occupancy of the
15 subject Premises for the period following 02/28/2023 until rendition of judgment
16 herein;
17
- 18 3. For forfeiture of the lease;
- 19 4. For reasonable attorney's fees pursuant to the provisions of said lease; and
20
- 21 5. For such other and further relief as the Court may deem just and proper.

22 By: 

23 Felman Daggenhurst
24 Toporoff & Spinrad
25 Attorneys for Plaintiff
26
27
28

UD-105

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME Branden Perez, Feliz Diaz FIRM NAME STREET ADDRESS 9315 Lincoln Blvd., Apt. 3216 CITY LOS ANGELES TELEPHONE NO (213) 369-9377 EMAIL ADDRESS STATE BAR NUMBER STATE CA ZIP CODE 90045 FAX NO		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles JUN 05 2023 David W. Slayton, Executive Officer/Clerk of Court
ATTORNEY FOR (self) IN PRO PER SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS 1 Regent Street MAILING ADDRESS CITY AND ZIP CODE Inglewood, CA 90301 BRANCH NAME Inglewood Courthouse		RECEIVED JUN 05 2023 SOUTHWEST DISTRICT INGLEWOOD COURTHOUSE
PLAINTIFF EQUITY RESIDENTIAL MANAGEMENT, L.L.C. DEFENDANT BRANDEN PEREZ, FELIZ DIAZ ANSWER—UNLAWFUL DETAINER		
CASE NUMBER 23IWJD00798		

1. Defendant (all defendants for whom this answer is filed must be named and must sign this answer unless their attorney signs):
 BRANDEN PEREZ, FELIZ DIAZ

answers the complaint as follows:

2. **DENIALS** (Check **ONLY ONE** of the next two boxes.)

a. ☐ **General Denial** (Do not check this box if the complaint demands more than \$1,000.)
 Defendant generally denies each statement of the complaint and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101).

b. ☒ **Specific Denials** (Check this box and complete (1) and (2) below if complaint demands more than \$1,000.)
 Defendant admits that all of the statements of the complaint and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:

(1) **Denial of Allegations in Complaint** (Form UD-100 or Other Complaint for Unlawful Detainer)

(a) Defendant claims the following statements of the complaint are false (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

☐ Explanation is on form MC-025, titled as Attachment 2b(1)(a).
 Paragraphs 7 thru 21

(b) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

☐ Explanation is on form MC-025, titled as Attachment 2b(1)(b).

(2) **Denial of Allegations in Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer** (form UD-101)

(a) ☒ Defendant did not receive plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101) (if not checked, complete (b) and (c), as appropriate.)

(b) ☐ Defendant claims the statements in the **Verification required for issuance of summons—residential**, item 3 of plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101), are false.

(c) Defendant claims the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are false (state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025): ☐ Explanation is on form MC-025, titled as Attachment 2b(2)(c).